

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TAY d/b/a DONTAVIOUS
SHERRODE SMITH,
a/k/a “TAY TAY,” “DA MAYOR,”

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. C14-35-RAJ

REPORT AND RECOMMENDATION

Plaintiff, proceeding *pro se*, has filed an amended application to proceed *in forma pauperis* (“IFP”) in the above-entitled civil action. Dkt. 3. After careful consideration of plaintiff’s amended IFP application, the governing law, and the balance of the record, the Court recommends that plaintiff’s amended IFP application, Dkt. 3, be DENIED.

Specifically, plaintiff filed his initial IFP application on January 9, 2014, Dkt. 1, along with his proposed complaint, Dkt. 1, Att. 1. By Order dated January 15, 2014, the Court denied plaintiff’s IFP application because “he failed to sign the affidavit or consent for payment of costs form, but instead digitally signed these documents by typing his name on the signature lines.” Dkt. 2. Plaintiff was granted leave to amend within thirty (30) days. *Id.*

1 Plaintiff timely filed his amended IFP application on January 27, 2014. Dkt. 3.
2 Although plaintiff reports that he was last gainfully employed in 2009 and receives food
3 stamps, he also indicates that he has interest in companies worth \$500 million dollars. *Id.* at 2.

4 Based upon plaintiff's representation that he has ample funds to pay the filing fee in
5 this action, the Court recommends that plaintiff's amended IFP application, Dkt. 3, be
6 DENIED. The Court will take no further action in this matter unless and until the \$400 filing
7 fee is paid. Furthermore, if plaintiff fails to timely pay the requisite fee within thirty (30) days
8 of the Honorable Richard A. Jones's Order adopting this Report and Recommendation, this
9 case may be dismissed.

10 The Clerk of the Court is directed to send copies of this Order to the plaintiff, and to
11 Judge Jones.

12 DATED this 31st day of January, 2014.

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14 JAMES P. DONOHUE
15 United States Magistrate Judge
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